

Senate Bill No. 1332

CHAPTER 525

An act to add and repeal Section 107046 of the Health and Safety Code, relating to radiologic technology, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1332, Dutton. Radiologic technology.

Existing law requires the State Department of Public Health to approve schools for radiologic technologists that, in the judgment of the department, will provide instruction adequate to prepare individuals to meet requirements for certification as radiologic technologists under the Radiologic Technology Act. Existing law also requires the department to adopt reasonable standards for approved schools, for procedures for obtaining and maintaining approval, and for revocation of approval where standards are not maintained.

Existing law authorizes the department, when approving a school for radiologic technologists, to take into consideration accreditation, approval, or certification of the school by other agencies or organizations if the department finds that accreditation, approval, or certification was granted on the basis of standards that will afford the same protection to the public as the standards provided by the Radiologic Technology Act or the regulations adopted pursuant thereto.

This bill, until January 1, 2015, would require the department, subject to specified conditions, to approve a school that presents certification that the school has met specified requirements for certification by the Joint Review Committee on Education in Radiologic Technology (JRCERT) but would specify that a school is not required to have this certification to be approved by the department. The bill would also provide a system of provisional permitting and a method for the department to revoke, suspend, limit, or condition a school's permit. The bill would also require the department to adopt the standards through a specified process before approving schools.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 107046 is added to the Health and Safety Code, to read:

107046. (a) In addition to the approval process in Sections 107045 and 107050, a diagnostic or therapeutic radiologic technology school that has been recognized by the Joint Review Committee on Education in Radiologic Technology (JRCERT) as meeting either the Standards for an Accredited Educational Program in Radiologic Sciences, revised in 2001, or the Standards for an Accredited Educational Program in Radiography, as adopted in April 2010, shall be approved as a diagnostic or therapeutic radiologic technology school, upon the school's furnishing verification to the department of current satisfactory JRCERT certification. The department shall post the standards, as published by JRCERT, on the department's Internet Web site.

(b) This section shall only apply to schools teaching diagnostic or therapeutic radiologic programs.

(c) This section shall only be implemented if both of the following are complete:

(1) The standards set forth in subdivision (a) are available to the department and schools free of charge and accessible on the department's Internet Web site or through a link to the standards.

(2) To the extent consistent with federal and state health privacy laws and with its authority pursuant to this chapter, the department has an agreement with the Joint Review Committee on Education in Radiologic Technology to provide access to the following information:

(A) School accreditation materials.

(B) Allegation of noncompliance by a school.

(C) Program reviews performed on schools located in California.

(d) A diagnostic or therapeutic radiologic technology school that is in the process of obtaining recognition by JRCERT as meeting the standards referenced in subdivision (a) shall be provisionally approved and provided a conditional permit, provided that all of the following conditions are met:

(1) The school's instructors all hold either a certificate in radiologic technology, as appropriate, issued in accordance with subdivision (b) of Section 114870, or a licentiate's certificate or permit, as appropriate, issued in accordance with subdivision (e) of Section 114870.

(2) All use of X-ray machines by the school's students or instructors, including all machines used at the school's affiliated clinical sites, are in compliance with the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9), including registration requirements.

(3) All clinical sites used by the school have an affiliation agreement with the school.

(4) The school has a radiation protection program in place that meets the standards for protection against radiation, as set forth in the department's regulations adopted pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9).

(e) Nothing in this section shall be construed to prevent a diagnostic or therapeutic radiologic technology school that is not accredited by JRCERT from being approved pursuant to Sections 107045 and 107050.

(f) Before approving a school pursuant to this section, the department shall adopt the standards referred to in subdivision (a). At least 45 days prior to adoption, the department shall post the proposed standards on its Internet Web site. Public comment shall be accepted by the department for at least 30 days after the proposed standards are posted. If a member of the public requests a public hearing during the 30-day review period, the hearing shall be held prior to adoption of the standards. Changes to the standards shall be made following the same process. Adoption of, and changes to, the standards pursuant to this subdivision shall not be subject to the rulemaking requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and written responses to public comment shall not be required.

(g) Department approval of a diagnostic or therapeutic radiologic technology school granted as described in this section, including provisional approval granted pursuant to subdivision (c), may be subsequently revoked, suspended, limited, or conditioned by the department, for either of the following reasons:

(1) Violation of a provision of the Radiologic Technology Act (Section 27) or violation of any provision of the Radiation Control Law or its regulations.

(2) Nonpayment of fees prescribed in accordance with Section 107090 or 107095.

(h) Nothing in this section shall be construed to limit or otherwise abridge the department's authority to inspect diagnostic or therapeutic radiologic technology schools or their clinical sites as otherwise provided by law.

(i) A diagnostic or therapeutic radiologic technology school approved pursuant to this section shall provide the department with written notice of any JRCERT action revoking, suspending, conditioning, or denying a school's JRCERT accreditation. This notice shall be given to the Radiologic Health Branch of the department within 10 days of the JRCERT action.

(j) Proceedings to revoke, suspend, limit, or condition school approval, including approvals initially granted pursuant to subdivision (b), shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

(k) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the health and safety of patients and to enable radiologic technology schools to accept students in programs for the 2010–11 fall semester, it is necessary for this act to take effect immediately.